

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	David B. Miller	Examiner:	Essama Omgba
Serial No.:	09/995,009	Group Art Unit:	3726
Confirmation No.:	1384	Docket No.:	127P67USC1
Filed:	November 26, 2001		
Title:	PRE-ASSEMBLED HOSE AND RING ASSEMBLY		

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is submitted in reply to the Examiner's Answer mailed April 16, 2007.

Therefore, a response is due on or before June 16, 2007.

Appellant continues to rely on the arguments presented in the original Appeal Brief.

However, Appellant traverses the Examiner's argument found on the last paragraph of page 6.

There, the Examiner points out that "Furthermore it is noted that the features upon which Appellant relies (i.e., the drips of water could not be precisely located as is required in the irrigation art) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims."

Appellant respectfully submits that this limitation is in the claims and that the clips are recited in 7a to be "moveable on the hose". Therefore, if the claims are read in light of the specification, it can be clearly seen that the being "moveable" is specifically recited. Then, in interpreting the claims in light of the specification, the argument that the proposed combination

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would not work is correct. The Oetiker patents would not be adjustable along a length of a hose so that the drips of water could be precisely located. It is not necessary to specifically recite in the claims the ultimate purpose, which is that the clips are adjustable so that the water can be specifically directed. It is already recited in the claims that the clip is moveable along the hose. With this limitation of the clip being movable along the hose, Appellant's argument as to why the Oetiker patents are not properly combinable and would not work is appropriate.

For the reasons noted above, it is believed that the claims are allowable.

Respectfully submitted,

DAVID B. MILLER

Date: May 14, 2007

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